

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Cause No. 2:19-cv-407
Western Union Money Order # 17-869081175	)	
in the amount of \$1,000.00; Western Union	)	
Money Order # 17-970415992 in the amount	)	
of \$1,000.00; Western Union Money Order	)	
# 17-972805458 in the amount of \$1,000.00;	)	
Western Union Money Order # 17-869081176	)	
in the amount of \$1,000.00; Western Union	)	
Money Order # 17-970415993 in the amount	)	
of \$1,000.00; Western Union Money Order	)	
# 17-972805459 in the amount of \$500.00;	)	
Postal Money Order # 25713530088 in the	)	
amount of \$1,000.00; Postal Money Order #	)	
25713540077 in the amount of \$1,000.00,	)	
	)	
Defendants.	)	

**SECOND AMENDED VERIFIED COMPLAINT IN REM**

Plaintiff, United States of America, by its attorneys, Thomas L. Kirsch II, United States Attorney for the Northern District of Indiana, and Orest Szewciw, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America pursuant to 21 U.S.C. § 881(a)(6) defendant

properties for violations of 21 U.S.C. § 841.

### THE DEFENDANT(S) IN REM

2. Defendant properties were seized on May 14, 2019, from Alicia Wells in South Bend, Indiana. Defendant properties are in the custody of the United States Marshal's Service in South Bend, Indiana.

### JURISDICTION AND VENUE

3. Plaintiff brings this action in rem in its own right to forfeit and condemn the defendant properties. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has both *in rem* and subject matter jurisdiction over the defendant property under 28 U.S.C. § 1355(b)

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district and also pursuant to 28 U.S.C. § 1395(b), because the defendant properties were found within this district.

### BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; 2) proceeds traceable to such an exchange; or 3) money, negotiable

instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

### FACTS

7. On May 10, 2019, a narcotics detection canine alerted positively to a Priority Mail Express parcel at a United States Post Office in South Bend, Indiana. A law enforcement data base inquiry showed that the sender's name was not associated with the address indicated. Similarly, addressee's name was not associated with the address to which the parcel was being sent.

8. On May 14, 2019, a federal search warrant was obtained authorizing the search of the above Priority Express Mail parcel. The parcel was contained a Priority Mail Tyvek envelope containing a hardback book wrapped in bubble wrap. Concealed inside the book, which had been itself duct taped was currency consisting of ninety-one \$100 bills, twenty-five \$50 bills, and five \$20 bills and defendant money orders. There were no notes, receipts or instructions in the parcel.

WHEREFORE, the plaintiff requests that the defendant properties be forfeited and condemned to the United States of America; that Warrant of Arrest In Rem be issued for defendant properties; that the plaintiff be awarded its costs and disbursements in this action; and for such other relief this court deems proper and just.

Respectfully submitted,

Thomas L. Kirsch II  
United States Attorney

/s/ Orest Szewciw  
Orest Szewciw  
Assistant U.S. Attorney  
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### VERIFICATION

I, Brock Zeeb, hereby verify and declare under penalty of perjury that I am a Postal Inspector with the United States Postal Service (USPS); that I have read the foregoing Verified Complaint In Rem and know the contents thereof, and that the matters contained in the Verified Complaint are true to the best of my knowledge.

The sources of my knowledge and information are the official files and records of the USPS, along with information supplied to me by other law enforcement officers, as well as my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

Dated:                      October 24, 2019  
\_\_\_\_\_

  
\_\_\_\_\_  
Brock Zeeb  
Postal Inspector, USPS

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SOUTH BEND DIVISION

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amount of \$1,000.00; Postal Money Order #  
25713540077 in the amount of \$1,000.00,

Defendants.

Cause No. 2:19-cv-407

**SECOND AMENDED WARRANT FOR ARREST IN REM**

TO: THE UNITED STATES MARSHAL FOR THE NORTHERN  
DISTRICT OF INDIANA AND/OR ANY OTHER DULY AUTHORIZED  
LAW ENFORCEMENT OFFICER:

WHEREAS, on October 29, 2019, the United States of America filed a  
verified complaint for civil forfeiture in the United States District Court for  
the Northern District of Indiana against the above-named defendant  
property, alleging that said property is subject to seizure and civil forfeiture  
to the United States for reasons mentioned in the complaint;

NOW THEREFORE, you are hereby commanded to arrest and take into your possession the above-named defendant property and to use whatever means appropriate to protect and maintain it in your custody until further order of the Court.

YOU ARE FURTHER COMMANDED to provide notice of this action to any person thought to have a potential interest in or claim against the defendant property by serving upon such person or to the attorney representing the potential claimant with respect to the seizure of the property, a copy of this warrant of arrest in rem and the verified complaint, in a manner consistent with the principles of service of process of an action in rem under the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure.

This warrant provides notice that in order to avoid civil forfeiture of the property, any person claiming an interest in, or right against, the property must file a claim in the court where the action is pending, pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims. The claim must identify the specific property claimed, identify the claimant and state the claimant's interest in the property, be signed by *the claimant* under penalty of perjury, and be served on the government attorney handling the case. A claimant must file a claim no later than 35 days after the date the notice is sent or, as applicable, no later than 30 days after the date of final publication of the notice of civil forfeiture. In addition, any person having filed such a claim shall also file an answer or motion to the complaint no later than 20 days after the filing of the claim.

All claims and answers or motions for the defendant property must be filed with the Office of the Clerk, United States District Court for the Northern District of Indiana, 5400 Federal Plaza, Hammond, Indiana 46320, and a copy of the claim and answer or motion sent to Assistant United States Attorney Orest Szewciw, United States Attorney's Office, 5400 Federal Plaza, Suite 1500, Hammond, Indiana 46320.

Additional procedures and regulations regarding this forfeiture action are found at 19 U.S.C. §§1602-1621.

YOU ARE FURTHER COMMANDED, promptly after execution of this process, to file the same in this Court with your return thereon, identifying the individuals upon whom copies were served and the manner employed.

Dated: \_\_\_\_\_

Robert N. Trgovich  
Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk